
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1227 **Hearing Date:** June 21, 2017
Author: Bonta
Version: May 3, 2017
Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Human Trafficking Prevention Education and Training Act

NOTE: This bill has been double referred to the Committee on Education and the Committee on Human Services. A "do pass" motion should include referral to the Committee on Human Services.

SUMMARY

This bill establishes the Human Trafficking Prevention Education and Training Act, which requires schools to provide training on human trafficking, includes human trafficking in the definition of "child abuse and neglect," and expands the scope of the Commercially Sexually Exploited Children Program to include human trafficking.

BACKGROUND

Existing law:

- 1) States that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished, as specified. (Penal Code Section (PEN) 236.1(a))
- 2) States that any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of specified sex offenses, is guilty of human trafficking and shall be punished, as specified. (PEN 236.1(b))
- 3) States that any person who causes or persuades, or attempts to cause or persuade, a person who is a minor to engage in a commercial sex act, with the intent to effect a violation of specified sex offenses, is guilty of human trafficking and shall be punished as specified. (PEN 236.1(c)(1) and (2))
- 4) Defines "commercial sex act" as "sexual conduct on account of which anything of value is given or received by any person." (PEN 236.1 (h)(2))
- 5) Defines commercially sexually exploited children as a child who is sexually trafficked or receives food or shelter in exchange for the performance of certain sexual acts, as specified. (Welfare and Institutions Code Section (WIC) 300)
- 6) Requires mandated child abuse providers to participate in training programs that include ways to address critical issues, as specified. (WIC 16206)

- 7) Allows a school district to provide abuse, including sexual abuse and sex trafficking prevention education. (Education Code Section 51950 (a))
- 8) Defines "sexual abuse and sex trafficking prevention education" as instruction on the prevention and nature of sexual abuse and sex trafficking, strategies to reduce risk, techniques to set healthy boundaries, and how to safely report an incident. (EC 51950 (b))
- 9) Allows in-service training to be conducted periodically to enable school district personnel to learn about new developments in the understanding of sexual abuse and sex trafficking, and to receive instruction on current prevention efforts and methods. (EC 51950 (f))
- 10) Requires each school district to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil is required to receive the instruction at least once in junior high or middle school and at least once in high school, and the instruction is required to include, among other things, information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking. (EC 51934)
- 11) Establishes the Commercially Sexually Exploited Children Program administered by the Department of Social Services in order to create a multidisciplinary team approach to case management, service planning, and provision of services to commercially sexually exploited youth. (WIC 16524.7 *et seq.*)
- 12) Establishes the Child Abuse and Neglect Reporting Act which requires mandated reporters to make reports of suspected child abuse or neglect to any police department or sheriff's department, as specified. (PEN 11165.9)

ANALYSIS

This bill establishes the Human Trafficking Prevention Education and Training Act, which requires schools to provide training on human trafficking, includes human trafficking in the definition of "child abuse and neglect," and expands the scope of the Commercially Sexually Exploited Children Program to include human trafficking. Specifically, this bill:

- 1) Makes Legislative findings and declarations related to the need to reduce the vulnerability of children to incidents of human trafficking, as specified.
- 2) Includes human trafficking among the comprehensive sexual health education and HIV prevention topics about which information must be provided to certain pupils, as specified. The required information includes information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.
- 3) Makes the following changes to current statute regarding school district provision of sexual abuse and sex trafficking prevention education:
 - a) Broadens the training to include human trafficking.

- b) Deletes "how to safely report an incident" from specified components of instruction and adds "how to safely seek assistance."
 - c) Affords a parent or guardian the right to excuse his or her child from all or part of human trafficking prevention education, as specified by current law.
 - d) Allows the California Department of Education to make available on its Internet Web site information about and resources on human trafficking prevention education for professional learning purposes and relevant materials for student parents, guardians, and other caretakers.
 - e) Adds child welfare, county probation, mental health, public health and sheriff's departments, and juvenile court and office of education to the list of entities a school district is encouraged to collaborate with on intervention programs for pupils and other minors, and removes the stipulation that these programs be for high-risk youth.
 - f) Makes continuation training required, versus permissive, and includes continuation training as part of satisfying requirements in current law that education be provided by instructors trained in the appropriate courses and includes topics related to human trafficking, as specified.
 - g) Encourages a school district to include training on early identification of human trafficking of pupils and other minors.
- 4) Includes "human trafficking" as defined in existing law to the definition of the term "child abuse or neglect."
- 5) Makes the following changes to current statute regarding the Commercially Sexually Exploited Children (CSEC) Program:
- a) Amends Legislative intent to include references to human trafficking and the need for early identification and prevention education.
 - b) Requires the Department of Social Services (DSS) to allocate Commercially Sexually Exploited Children Program funding for prevention education and training related to children who are or may become victims of sexual exploitation.
 - c) Includes educators among those individuals for whom funded counties must provide training for the purposes of identifying, intervening, and providing case management services to children who are victims of commercial sexual exploitation and trafficking.
 - d) Includes educators among those individuals for whom DSS must provide training, and requires the training to be selected and contracted for in consultation with the county office of education, among others.
 - e) Specifies that, for counties electing to participate in the CSEC program, prevention activities provided to children who are victims or who are at risk of becoming victims of commercial sexual exploitation includes training

county workers and educating pupils in schools and consist of educating children to help recognize and avoid human trafficking and allowing counties to target educational activities to children who are at a higher risk of commercial sexual exploitation.

- f) Allows a participating county to measure the impact of its training and prevention education by surveying educators, county workers, and children.
 - g) Includes educational entities among the groups with whom a county must collaborate when submitting a plan to the Department of Social Services (DSS) detailing how counties intend to use funds, as specified.
 - h) Requires, versus makes permissive, that law enforcement agencies and local educational agencies be among the entities serving on a multidisciplinary team created under the provisions of current law, as specified;
 - i) Requires the team tasked with creating the interagency response protocol to include county office of education and the county sheriff's department.
 - j) Allows, but does not require, counties that developed a protocol prior to the inclusion of county offices of education and county sheriff's departments as required partners to revise protocols to reflect input from these entities.
- 6) Requires DSS to provide certain information, as specified, no later than June 1, 2018.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Human trafficking is the world’s fastest growing criminal enterprise and is an estimated \$150 billion-a-year global industry. Two million children globally and at least 100,000 in the United States are commercially sexually exploited every year. The average age of sex trafficking victims is between 11 and 14 years old. California also has particularly high human trafficking rates compared to the rest of the nation. It is necessary for counties to implement comprehensive prevention education and training procedures in order to reduce incidents of human trafficking. Providing students with awareness and education can minimize the possibility of trafficking as a result of tactics used by traffickers, such as force, fraud, or coercion. Training teachers and administrators can help provide the tools necessary to identify when a child is at risk of being trafficked.”
- 2) ***Human trafficking and schools.*** According to the California Department of Justice, “human trafficking is a modern form of slavery [which]...involves controlling a person through force, fraud, or coercion to exploit the victim for forced labor, sexual exploitation, or both.” In 2015, the U.S. Department of Education released a report titled “Human Trafficking in America’s Schools” which argued that “everyone who is part of the school community—

administrators, teachers, bus drivers, maintenance personnel, food service staff, resource officers, and other school community members—has the potential to be an advocate for child victims of human trafficking.” The report noted that in order to maintain healthy school environments, school personnel should be knowledgeable about the signs and symptoms of trafficking, ways to support disclosure, and the steps to take when there is a suspicion of trafficking. The report noted that many victims experience severe physical, emotional, and psychological trauma, which may manifest as problematic behaviors, such as aggression and truancy. Trafficking is also associated with learning disabilities. The report recommended that, to have an effective anti-trafficking protocol, schools should, at a minimum:

- a) Develop, adopt, enforce, and implement a policy to address child trafficking.
 - b) Make sure all school personnel are properly trained on the policy.
 - c) Make certain campus security is in place so that all visitors are screened.
 - d) Provide programs and roles for parents and guardians to make them part of their children’s safety and security, both at school and while going to and from school.
 - e) Assess the environmental structure and take every possible step to help make it safe.
 - f) Partner with local law enforcement experts to provide a parent awareness program on the dangers and warning signs of child sex trafficking.
 - g) Partner with local law enforcement agencies to protect the routes that students use to travel to and from schools.
- 3) **Commercially Sexually Exploited Children (CSEC) Program:** In 2014, SB 855 (Senate Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2014, created the CSEC Program, which is an optional program for counties that provide funds for expenditures related to the costs of implementing the program, prevention and intervention services related to children who are victims of commercial sexual exploitation. SB 855 also required the state to track various data points and report to the Legislature information no later than April 1, 2017: the number of children who are CSEC, the risk factors associated with commercial sexual exploitation of children, the types of services required by CSEC, and the barriers to serving CSEC victims. Current law requires states to submit data to the federal government with regards to CSEC. The 2014-15 Budget Act appropriated \$5 million General Fund for the CSEC program, and in the fiscal year 2016-17, the CSEC Program received a total of \$14 million from the state General Fund. There does not appear to be a specific line item appropriation for the CSEC program in the 2017-18 Budget Act.
- 4) **Fiscal impact.** The County Welfare Directors Association of California has raised concerns about expanding the purpose of the CSEC program to include

the education of students in school generally about human trafficking as well as the provision of training for the educator, and the ability to accomplish that with the resources currently provided to the Commercially Sexually Exploited Children (CSEC) program. However, the Assembly Appropriations Committee indicates costs are likely minor to the Department of Social Services to incorporate prevention education into the mission of the CSEC Program and to include educators in the training requirements. These costs would be covered under the existing CSEC Program funding. Moreover, the Assembly Appropriations indicates one-time costs of approximately \$5 million in general funds to school districts to initially provide the required training to 110,000 school staff, including teachers, counselors, and administrators, as well as 1.9 million students in grades 5, 7, 9, and 11 statewide.

There appears some ambiguity about where the majority of the cost and responsibility of training school staff and educating pupils on human trafficking will be born. If the bill moves forward, the author may wish to further clarify the responsibilities of the CSEC program as it relates to training of school staff and education of pupils in school.

- 5) ***Previous legislation.*** AB 329 (Weber, Chapter 398, Statutes of 2015) required schools to provide comprehensive sexual health education in grades 7-12, and modifies the currently required components of sexual health education and HIV/AIDS prevention education.

SB 1435 (Jackson, Chapter 633, Statutes of 2016) required when the health curriculum framework is next revised after January 1, 2017, the Instructional Quality Commission to consider including comprehensive information for kindergarten and grades 1 to 8, inclusive, on the development of healthy relationships, as specified.

SB 1165 (Mitchell, Chapter 713, Statutes of 2014), requires the Instructional Quality commission to consider including sexual abuse and sex trafficking prevention education in the health framework when it is next revised.

SB 855 (Senate Committee on Budget and Fiscal Review, Chapter 29, Statutes of 2014), created the CSEC Program, which is an optional program for counties that provide funds for expenditures related to the costs of implementing the program, prevention and intervention services related to children who are victims of commercial sexual exploitation.

SUPPORT

American Academy of Pediatrics
 Alameda County Office of Education
 Association of California School Administrators
 California Catholic Conference
 California District Attorneys Association
 California School Boards Association
 California Teachers Association
 Coalition to Abolish Slavery & Trafficking

Frederick Douglas Family Initiatives
Freedom House
Hadassah Southern California
Junior League of San Diego
Lawyer's Club of San Diego
Love Never Fails
Lynch Foundation
San Diego County District Attorney, Bonnie M. Dumanis
Saved in America
State Public Affairs Committee of the Junior Leagues of California

OPPOSITION

California Right to Life Committee, Inc.

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